

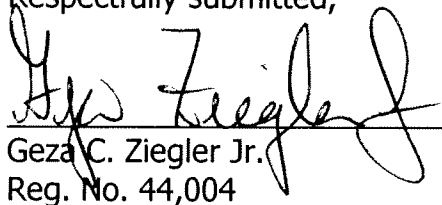
III. REMARKS

The claims are amended to address the rejection of the claims under 35 USC §101. Support for the proposed amendments can be found in the specification as originally filed, at for example, paragraphs 0024, 0054, 0058 and 0084-0088 of the US patent application publication. In particular, the limitation that the bit rate indication can be used to "adapt the operation" of a user protocol or an application can be found from paragraph 0084.

It is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


Geza C. Ziegler Jr.
Reg. No. 44,004

21 September 2009
Date

Perman & Green, LLP
99 Hawley Lane
Stratford, CT 06614
(203) 259-1800
Customer No.: 2512